

REMARKS

Claims 1, 23 and 28 have been amended. Claim 2 has been canceled. Claims 1, 3-10, 13, and 15-32 are now pending. Applicants reserve the right to pursue the original claims and other claims in this and other applications. Applicants respectfully request reconsideration of the above-referenced application in light of the amendments and following remarks.

At the outset, Applicants acknowledge with appreciation that claims 15, 19-22, and 32 have been allowed. Applicants also acknowledge with appreciation that claim 2 is in condition for allowance if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 1 has been amended to include the allowable subject matter of dependent claim 2. Claims 3-10, 13, and 16-18 depend from claim 1 and should be allowable along with claim 1.

Claims 23, 24, and 28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,827,999 ("Ito"). The rejection is respectfully traversed.

The cited reference does not disclose or teach a sulfuration-inhibiting layer comprising 90 mol% or more of Si and SiC, as amended claim 28 recites, much less a sulfuration-inhibiting layer having a thickness of 3 nm to 22 nm, as amended claim 23 recites. For at least these reasons, claims 23 and 28 should be allowable over the prior art of record.

Moreover, Applicants respectfully submit that independent claims 23 and 28 have been amended to include allowable subject matter previously indicated allowable in a prior Office Action. In the Office Action dated September 29, 2004, the Examiner indicated that claims 11 and 12 were in condition for allowance if rewritten in independent form including all of the limitations of the base claim and any intervening

claims. Claim 11 recited that “the sulfuration-inhibiting layer has a thickness of 3 nm to 22 nm.” Claim 12 recited that “the sulfuration-inhibiting layer contains 90 mol% or more of Si and SiC.”

In response, Applicants submitted an Amendment on December 28, 2004. In the December 28, 2004 Amendment, the allowable subject matter of dependent claim 11 was rewritten as new independent claim 20. Similarly, the allowable subject matter of dependent claim 12 was rewritten as new independent claim 21. Claims 11 and 12 were canceled. Both claims 20 and 21 are currently indicated as containing allowable subject matter in the Office Action dated March 21, 2005.

Accordingly, claim 23 has been amended to include subject matter similar to canceled dependent claim 11. Specifically, claim 23 has been amended to recite, “a sulfuration-inhibiting layer formed over the upper protective layer having a thickness of 3 nm to 22 nm.” Claim 28 has been amended to include subject matter similar to canceled dependent claim 12. Specifically, claim 28 has been amended to recite, “a sulfuration-inhibiting layer comprising 90 mol% or more of Si and SiC formed over the upper protective layer.” Claim 24 depends from claim 23 and should be allowable along with amended claim 23 for at least the reasons provided above, and on its own merits.

Claims 1, 3-10, 13, 16-18, 25-27, and 29-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 6,709,801 (“Miyamoto I”), or U.S. patent no. 6,775,226 (“Miyamoto II”), or U.S. patent no. 6,703,098 (“Hirotsune”), or U.S. published application no. 2002/0006684 (“Terao”), in view of Ito. The rejection is respectfully traversed.

As indicated previously, claim 1 has been amended to incorporate the allowable subject matter of dependent claim 2. Claims 3-10, 13, and 16-18 depend from claim 1 and should be allowable with claim 1 for at least this reason, and on their own merits.

The Office Action acknowledges that Miyamoto I, Miyamoto II, Hirotsune, and Terao, do not teach or suggest a sulfuration-inhibiting layer formed below a reflective layer (Office Action, pg. 3). The Office Action relies upon Ito for disclosing a sulfuration-inhibiting layer. As indicated above, however, Ito does not teach or suggest the subject matter of amended claims 23 and 28.

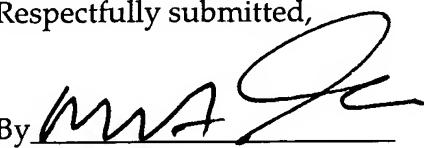
Specifically, Ito does not disclose or suggest "a sulfuration-inhibiting layer formed over the upper protective layer having a thickness of 3 nm to 22 nm," as recited in claim 23 or "a sulfuration-inhibiting layer comprising 90 mol% or more of Si and SiC formed over the upper protective layer," as recited in claim 28.

Claims 25-27 depend from claim 23 and should be allowable along with claim 23 for at least the reasons provided above, and on their own merits. Claims 29-31 depend from claim 28 and should be allowable along with claim 28 for at least the reasons provided above, and on their own merits.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue..

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Respectfully submitted,

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